

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

Josh Wilkinson, <i>Plaintiff,</i>	)	Civil Action No. 5:21-cv-00628-DNH-DJS
	)	
	)	David N. Hurd
	)	United State District Judge
	)	
	)	Daniel J. Stewart
vs.	)	United States Magistrate Judge
	)	
Kilolo Kijakazi Acting Commissioner of the Social Security Administration <i>Defendant.</i>	)	Stipulation – Document Filed Electronically
	)	
	)	

**Parties' Stipulation for Remand**

The parties stipulate that the Acting Commissioner's final decision be reversed and that this action be remanded to the Acting Commissioner for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). On remand, the Acting Commissioner will: assign the case to a new Administrative Law Judge; exhibit and evaluate the evidence from Upstate University Hospital dated January 7, 2017 through January 17, 2019 (304 pages); re-evaluate the opinion evidence of record; reassess Plaintiff's residual functional capacity; and acquire supplemental vocational expert testimony to determine whether Plaintiff can perform other work in the national economy. The parties consent to the entry of judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Respectfully Submitted,

Kilolo Kijakazi,

By Her Attorneys

Carla B. Freedman,  
United States Attorney

Josh Wilkinson,

By His Attorney

/s/ Amelia E. Stewart

Amelia E. Stewart  
Special Assistant United States Attorney  
N.D.N.Y. Bar Roll No. 700990  
Social Security Administration  
Office of the General Counsel  
J.F.K. Federal Building, Room 625  
Boston, MA 02203  
(617) 565-2376  
Amelia.Stewart@ssa.gov

/s/ Justin Goldstein<sup>1</sup>

Justin Goldstein, Esq.  
Law Offices of Kenneth Hiller  
Attorney for Plaintiff  
6000 N. Bailey Ave, Suite 1A  
Amherst, NY 14226  
(716) 564-3288  
jgoldstein@kennethhiller.com

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read 'D. N. Hurd', is written over a horizontal line. Below the line, the text 'David N. Hurd' and 'U.S. District Judge' is printed.

David N. Hurd  
U.S. District Judge

1/27/22

Dated: \_\_\_\_\_

---

<sup>1</sup> Signed with consent obtained by email by Special Assistant United States Attorney Amelia E. Stewart, received on January 26, 2022.